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10
11 SIGNS HAWAII

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL ARBSLAND,
Plaintiff,
v.
SOUTHWEST SIGNS, THE HOME
DEPOT, INC.; AND DOES 1-100,
Defendants.

SOUTHWEST SIGNS, LLC,
Cross-Complainant,
v.
THE HOME DEPOT, SIGNS HAWAII,
SIGN ART, L. MORIGUCHI, INC.,
AND DOES 1 through 50, inclusive,
Cross-Defendants.

Case No. C06-04191 PVT

**STIPULATION TO (1) CONTINUE
DATE ON WHICH SIGNS HAWAII
MAY RESPOND TO SOUTHWEST
SIGN'S CROSS-COMPLAINT AND (2)
DATE OF CASE MANAGEMENT
CONFERENCE DUE TO
UNAVAILABILITY OF
MAGISTRATE JUDGE TO HEAR
MOTION TO COMPEL;
DECLARATION OF ELIZABETH A.
SULLIVAN; [PROPOSED] ORDER
THEREON**

Prior Date on Which Signs Hawaii Must Respond To Southwest Sign's Cross-Complaint:
April 26, 2007

Proposed Date on Which Signs Hawaii Must Respond to Southwest Sign's Cross-Complaint (one week later):
May 3, 2007

Scheduled Date of Hearing:
Date: April 27, 2007
Time: 10:30 a.m.
Dept.: Courtroom No. 3, 5th Floor

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Proposed Date of Hearing (one week

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later):

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Date: May 4, 2007

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Time: 10:30 a.m.

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Dept.: Courtroom No. 3, 5th Floor

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IT IS HEREBY STIPULATED by and between defendant and cross-complainant Southwest Signs, LLC and cross-defendant Signs Hawaii that the date on which Signs Hawaii shall file a responsive pleading to Southwest Signs' cross-complaint shall be continued one week – from April 26, 2007 to May 3, 2007.

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IT IS FURTHER STIPULATED by and between plaintiff Michael Arbsland, defendant and cross-complainant Southwest Signs, LLC, defendant and cross-defendant The Home Depot, cross-defendant L. Moriguchi, Inc. dba Sign Art and cross-defendant Signs Hawaii that the case management conference currently scheduled for Friday, April 27, 2007 at 10:30 a.m. in Courtroom No. 3, 5th floor, in the above-entitled court shall be continued by one week – to Friday, May 4, 2007 at 10:30 a.m. in Courtroom No. 3, 5th floor, in the above-entitled court, located at 280 South First Street; San Jose, CA 95113-3099.

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Good cause exists for this continuance as follows:

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1. Signs Hawaii had previously scheduled a hearing on a motion to compel responses to its subpoena for March 27, 2007. Counsel for Signs Hawaii just learned Magistrate Trumbull will be unavailable on that date. The hearing on the motion to compel, therefore, will be scheduled one week later, i.e., on April 3, 2007.

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2. All dates flowing from this hearing date – the date on which Signs Hawaii will respond to the cross-complaint of Southwest Signs and the date on which the case management conference will be held – are affected by this hearing date. It has therefore become necessary to extend these dates by one week.

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3. The concurrently filed declaration of Elizabeth A. Sullivan sets forth the reasons why counsel for plaintiff has failed to execute the stipulation – Signs Hawaii's

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1 counsel has attempted no less than 10 times to contact plaintiff's counsel, Michael Shea
2 Jr. Despite leaving messages with Mr. Shea's secretary as well as voicemails, Mr. Shea
3 has failed to return a single telephone call. Most recently, on February 7, 2007, Ms.
4 Sullivan attempted to contact Mr. Shea and was informed by his secretary Mr. Shea was
5 again "unavailable." Accordingly, it has been impossible to contact counsel – much less
6 obtain his signature to this stipulation.

7 IT IS HEREBY STIPULATED THAT the response of Signs Hawaii to Southwest
8 Signs' cross-complaint, previously due April 26, 2007, will now be due one week later,
9 i.e., on May 3, 2007.

10 IT IS FURTHER STIPULATED that the case management conference, previously
11 scheduled for April 27, 2007 at 10:30 a.m. in Courtroom No. 3, 5th Floor, of the above-
12 entitled court, will now take place one week later, i.e., on May 4, 2007 at 10:30 a.m. in
13 Courtroom 3, 5th Floor, of the above-entitled court.

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16 IT IS SO STIPULATED.

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18 DATED: February ____ 2007

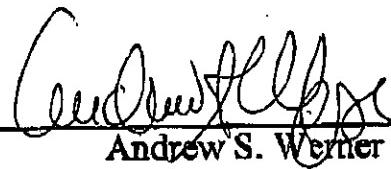
SHEA & SHEA
MICHAEL M. SHEA, JR.

21 By: _____

22 Michael M. Shea, Jr.
23 Attorneys for Plaintiff Michael Arbsland

1 DATED: February 8, 2007

CESARI, WERNER AND MORIARTY
DENNIS F. MORIARTY
ANDREW S. WERNER
JOSE A. MONTALVO

5 By: 

Andrew S. Werner

7 Attorneys for Defendant and Cross-Complainant
8 Southwest Signs, LLC

9 DATED: February , 2007

10 LA PLANTE, SPINELLI & DONALD
11 DOMINIC D. SPINELLI

12 By: 

13 Dominic D. Spinelli

14 Attorneys for Cross-Defendant L. Moriguchi,
15 Inc., dba Sign Art

16 DATED: February , 2007

17 JENKINS GOODMAN NAUMAN &
18 HAMILTON LLP
19 JOSHUA S. GOODMAN

21 By: 

22 Joshua S. Goodman

23 Attorneys for The Home Depot

1 DATED: February ___, 2007

CESARI, WERNER AND MORIARTY
DENNIS F. MORIARTY
ANDREW S. WERNER
JOSE A. MONTALVO

3

4

5

By: _____
Andrew S. Werner

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Attorneys for Defendant and Cross-Complainant
Southwest Signs, LLC

8

9

10 DATED: February 8, 2007

LA PLANTE, SPINELLI & DONALD
DOMINIC D. SPINELLI

11

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By: 
Dominic D. Spinelli

14

15

Attorneys for Cross-Defendant L. Moriguchi,
Inc., dba Sign Art

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JENKINS GOODMAN NAUMAN &
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JOSHUA S. GOODMAN

By: _____
Joshua S. Goodman

Attorneys for The Home Depot

Feb 07 2007 6:24PM HP LASERJET FAX

1 DATED: February , 2007

2 CESARI, WERNER AND MORIARTY
3 DENNIS F. MORIARTY
4 ANDREW S. WERNER
5 JOSE A. MONTALVO

6 By: _____
7 Andrew S. Werner8 Attorneys for Defendant and Cross-Complainant
9 Southwest Signs, LLC10 DATED: February , 2007

11 LA PLANTE, SPINELLI & DONALD
12 DOMINIC D. SPINELLI

13 By: _____
14 Dominic D. Spinelli15 Attorneys for Cross-Defendant L. Moriguchi,
16 Inc., dba Sign Art17 DATED: February 8, 2007

18 JENKINS GOODMAN NAUMAN &
19 HAMILTON LLP
20 JOSHUA S. GOODMAN

21 By: _____
22 Pavan L. Rosati23 Pavan L. Rosati
24 Attorneys for The Home Depot

1 DATED: February 7, 2007

ADLER LAW GROUP
ERWIN E. ADLER
ELIZABETH A. SULLIVAN

3

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By: Elizabeth C. Sullivan
Elizabeth A. Sullivan

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8 Attorneys for Signs Hawaii

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10 IT IS SO ORDERED.

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13 DATED: 2/12/07

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Hon. D. Jeremy Fogel
Judge of the United States District Court
for the Northern District of California

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